



# **Federal Aviation Administration**

## **Office Of The Chief Counsel**

### **Office Of Dispute Resolution For Acquisition (ODRA)**

## **CASE MANAGEMENT STATISTICS**

as of June 7, 2005

### **I. CASE TOTALS**

- Cases Filed Since April 1, 1996: 377 (including: 240 FAA Protests; 14 TSA Protests; 104 FAA Contract Disputes; 4 TSA Contract Disputes; 4 FAA Contests; and 11 EAJA applications)

- Cases Completed: 366

- Cases Resolved Via ADR: 258 (70%)

- Adjudicatory Decisions Issued: 108

- Cases Pending: 11

- Total Pre-Dispute & Dispute Avoidance Matters/Non-AMS Disputes\* Filed: 57

\* This category encompasses matters brought before the ODRA by mutual agreement of the parties, in an attempt to achieve amicable resolution via ADR. Such matters include (1) AMS contract-related cases brought to the ODRA prior to the formal initiation of a contract dispute; (2) claims under pre-AMS contracts that are brought to the ODRA before or after a Contracting Officer Final Decision under the Contract Disputes Act ("CDA") or before or after the institution of an appeal from such a Decision to another forum under the CDA; and (3) claims against other federal agencies brought to the ODRA for mediation by mutual agreement of the parties.

- Pre-Dispute Cases Pending: 2

### **II. BID PROTESTS** (including TSA Protests)

- Total Protests Filed Since April 1, 1996: 254

- Total Protests Completed Since April 1, 1996: 253

- Total Pending: 1

- Cases Resolved Via ADR: 163 (64%)

- Cases Adjudicated to Final Agency Decision: 90

- Dismissed: 24

- Partial or Full Relief Granted: 24

- Relief Denied: 42

### **III. CONTRACT DISPUTES (including TSA Contract Disputes)**

- Total Contract Disputes Filed Since April 1, 1996: 108
- Total Contract Disputes Completed Since April 1, 1996: 100
- Total Pending: 8
- Cases Resolved Via ADR: 90 (90%)
- Cases Adjudicated to Final Agency Decision: 10
  - Dismissed: 4
  - Partial or Full Relief granted: 5
  - Relief denied: 1

### **IV. CONTESTS (UNDER OMB CIRCULAR A-76)**

- Total Contests Filed Since April 1, 1996: 4
- Total Contests Completed Since April 1, 1996: 2
- Total Pending: 2
- Cases Resolved Via ADR: 2
- Cases Adjudicated to Final Agency Decision: 0

### **IV. EQUAL ACCESS TO JUSTICE ACT (EAJA) CASES**

- Total EAJA Cases Filed Since April 1, 1996: 11
- Total EAJA Cases Completed Since April 1, 1996: 11
- Cases Resolved Via ADR: 3 (30%)
- Cases Adjudicated to Final Agency Decision: 8
  - Partial or Full Relief granted: 4
  - Relief denied: 4
- Cases Pending: 0

### **V. RESOLUTION TIMEFRAMES (for cases filed 12/8/97 forward)**

- Bid Protests
  - Cases Resolved Via ADR
    - ♦ Average Duration: 23 days

- ♦ Duration Range: 1 day to 134 days

- Cases Adjudicated to Final Agency Decision

- ♦ Average Duration: 63 days

- ♦ Duration Range: 13 to 150 days

- Contract Disputes

- Cases Resolved Via ADR

- ♦ Average Duration: 64 days

- ♦ Duration Range: 3 to 529 days

- Cases Adjudicated to Final Agency Decision

- ♦ Average Duration\*: 129 days

\* from commencement of the Default Adjudicative Process

- ♦ Duration Range: 35 to 359 days

- Contests

- Cases Resolved Via ADR

- ♦ Average Duration: 31 days

- ♦ Duration Range: 16 to 46 days

## **VI. SMALL BUSINESS PARTICIPATION IN THE ODRA PROCESS**

- 377 ODRA cases filed since April 1, 1996

- 310 instituted by small businesses (82%)

- 208 of the 310 prosecuted without the assistance of counsel (on a *pro se* basis) (67%)\*

\*Note: The FAA is represented by counsel in all ODRA cases.